

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**ASSENTED-TO MOTION FOR LEAVE TO FILE SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF MOTION FOR JUDGMENT
NOTWITHSTANDING VERDICT AND FOR NEW TRIAL**

Defendant, Dzhokhar Tsarnaev, by and through counsel, with the assent of the government, respectfully moves for leave to file a short supplemental memorandum in support of his Motion for Judgment Notwithstanding Verdict and for New Trial on or before December 14, 2015.¹ In particular, the defense wishes to address the government's oral arguments at the hearing on December 1, 2015, not previously raised in its papers, that the section 924(c) predicates at issue in this case are "divisible" within the meaning of *Descamps v. United States*, 133 S.Ct. 2276 (2013), and that this somehow defeats the defendant's arguments that the predicates fail to satisfy the "elements" clause of section 924(c). Progeny of *Descamps* are numerous and the principles at issue complex. Against that backdrop, a supplemental brief would assist the Court in resolving the motion.

¹ Undersigned counsel have requested a transcript of the relevant portion of the hearing on December 1 and hope to receive it within one week. Counsel would like an opportunity to review the transcript before filing the supplemental memo.

Respectfully submitted,

DZHOKHAR TSARNAEV
by his attorneys

/s/ William W. Fick

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 2, 2015.

/s/ William W. Fick